

# STATEMENT IN SUPPORT OF AMENDED COMPANION COUNCILVARIANCES

**Application**: CV20-103A

**Location**: 359 E. MARKISON AVE. (43207), being 0.61± acres located at the southwest corner of East Markison Avenue and South Washington Avenue (010-297819, 010-051321, 010-061553,

and 010-029091; Columbus Southside Area Commission).

Existing Zoning: AR-1, Apartment Residential District (H-35).

Proposed Use: Multi-unit residential development.

Owner: VNET LLC; 4039 Laurel Valley Drive; Powell, OH 43065

Applicant: Jonathan Barnes, JBAD; 243 N. Fifth St. Suite 200; Columbus, OH 43215

Attorney: David Hodge; Underhill and Hodge, LLC; 8000 Walton Parkway, Suite 260; New

Albany, OH 43054.

Date of Text: November 21, 2023

The Applicant submits this statement in support of its proposed amendments to ORD0865-2021; CV20-103.

This site was rezoned from R-2F to AR-1 in 2021 to permit development of the site with multi-unit residential uses (ORD064-2021; Z20-089). A concurrent ordinance was adopted demonstrating a multi-unit residential development totaling 17 units and included variances to the permitted arrangement of dwelling units, parking arrangement, minimum number of parking spaces required, vision clearance, building setback, lot coverage, and perimeter yard (ORD0865-2021; CV20-103).

The site did not develop following adoption of the rezoning and council variance ordinances. Both market conditions and permitting approvals caused issues with commencement of development. The property has since been transferred to a new entity that wishes to develop the property with a substantially similar concept to what was previously approved by City Council. One of the solutions to resume development on this property is to grade the site lower than previously proposed. This changed engineering of the site a bit which resulted in some changes to the previously approved plan. Most notably, the Applicant proposes increasing the total number of units from 17 to 18. However, there are additional amendments to ORD0865-2021; CV20-103 including adjustment of variances and commitment to a new site plan.

The  $0.61\pm$  acre site consists of four total parcels in the AR-1, Apartment Residential District. The northern parcel was developed with a religious facility but is now vacant, while the southern three parcels are developed with a parking lot. The site is surrounded to the north, south, east, and west by a mix of single- and two-unit dwellings in the R-2F, Residential District. The site is within the planning boundaries of the South Side Plan (2014), which recommends "Medium-High Density" (10-16 du/acre) residential uses for the northern parcel, and "Institutional" uses on the southern three parcels. Additionally, the site is within an area that has early adoption of Columbus Citywide Planning Policies (C2P2) Design Guidelines. The site is located within the boundaries of the Columbus Southside Area Commission.

To develop the property as proposes, the Applicant respectfully requests the following amended area variances:

### For North Site:

- 1. Section 3312.49 Minimum numbers of parking spaces required. Under this section, 8 dwelling units require a minimum of 12 parking spaces. Applicant requests a variance to reduce the minimum number of required parking spaces from 12 to 5. Each dwelling unit will have a personal one-car garage either on this parcel or on the adjacent parcel across the alley.
- 2. Section 3321.05(B)(2) Vision clearance at street intersection. Under this section a 30-foot clear vision triangle shall be maintained on each residential lot adjacent to a street intersection. The Applicant requests a variance to reduce the vision clearance requirement at the intersection of East Markison Avenue and South Washington Avenue from 30 feet to a minimum of 15 feet.

Section 3333.15(d) — Basis of computing area. Under this section, a multiple dwelling development must have 20,000 square feet of lot area. Applicant requests a variance to allow lot area of 11,349 square feet.

- 3. Section 3333.18 Building lines. Under this section the minimum building line shall be 25 feet. The Applicant requests a variance to reduce the minimum building line to 5 feet from East Markison Avenue and 2 feet from South Washington Avenue.
- 4. Section 3333.255 Perimeter yard. Under this section a perimeter yard may substitute for required side and rear yards in a multiple-dwelling development. Applicant requests a variance to reduce the perimeter yard from 25 feet to 0 feet on the west perimeter and zero feet on the south perimeter.

### For South Site:

- 1. Section 3312.49 Minimum numbers of parking spaces required. Under this section, 10 dwelling units require a minimum of 15 parking spaces. Applicant requests a variance to reduce the minimum number of required parking spaces from 15 to 13. Each dwelling unit will have a personal one-car garage either on this parcel or on the adjacent parcels across the alley.
- 2. Section 3321.05(B)(2) Vision clearance at street intersection. Under this section a 30-foot clear vision triangle shall be maintained on each residential lot adjacent to a street intersection. The Applicant requests a variance to reduce the vision clearance requirement at the intersection of East Welch Avenue and South Washington Avenue from 30 feet to a minimum of 15 feet.
- 3. Section 3333.02 AR-1 residential use. The Applicant requests a variance to permit parking for residential uses from North Site.
- 4. Section 3333.15(c) Basis of computing area. Under this section no residential building shall occupy together with any other building greater than 50 percent of the lot area. Applicant requests a variance to allow buildings to occupy 63% of the lot area.

- 5. Section 3333.18 Building lines. Under this section the building line shall be 25 feet. The Applicant requests a variance to reduce the building line to zero feet from South Washington Avenue and 4 feet from East Welch Avenue.
- 6. Section 3333.255 Perimeter yard. Under this section a perimeter yard may substitute for required side and rear yards in a multiple-dwelling development. Applicant requests a variance to reduce the perimeter yard from 25 feet to zero feet on the north perimeter and 2 feet on the west perimeter.

The requested use variance is warranted to alleviate a hardship and it will not impair adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, nor unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.

The requested use variance to allow residential uses from North Site to park on the South Site (South Site parcels to be combined) is necessary to ensure that the site may provide as much parking as possible, minimize the requested parking reduction, and to ensure that each dwelling unit may have a designated garage parking space. This parking flexibility will serve to reduce parking congestion on the adjacent public streets and promote safety for the residents' parking circumstances. This is a variance which was previously adopted by ORD0865-2021; CV20-103.

The Applicant requests amendments to the previously adopted area variances due to practical difficulties in the carrying out of the provisions of the district resulting from the irregular shape of the lot and other conditions. It should be noted that East Markison Avenue, South Washington Avenue, and East Welch Avenue are all established streets with curbs, sidewalks, and tree lawns which are inside the public right of way and that this condition is likely to remain the same for years to come. These elements combine to create substantial space between the East Markison Avenue, South Washington Avenue, and East Welch Avenue curbs. This serves to mitigate the practical impact of the requested building line and vision clearance triangle reductions. There are effectively large vision clearance triangles at these intersections form curb to curb. In this context, the requested reductions are neither substantial nor detrimental to adjacent properties nor the neighborhood.

The requested variances for reduced perimeter yard and increased lot coverage are also a result of the irregular shape of the lot and other conditions. The goal of the project is to utilize as much of the property as possible to maximize the quality of the project. This is a better development when each unit has its own private outdoor space and garage as well as a communal open space area. It was necessary to reduce perimeter yard size and increase lot coverage to make this happen. This will not cause substantial detriment to neighbors nor alter the character of the neighborhood. Most properties within this neighborhood have yards which are less than what the current zoning code requires. Also, the requested increase in lot coverage is not a substantial deviation from the minimum requirement.

The requested parking reduction is not significant and will not cause any detriment. Our relationship with automobile ownership has changed and it is increasingly common to rely on public transportation and rideshare options rather than automobile ownership. It is becoming the industry standard to provide one parking space per dwelling unit in neighborhoods which are this close to downtown metropolitan areas and this ratio has proven sufficient.

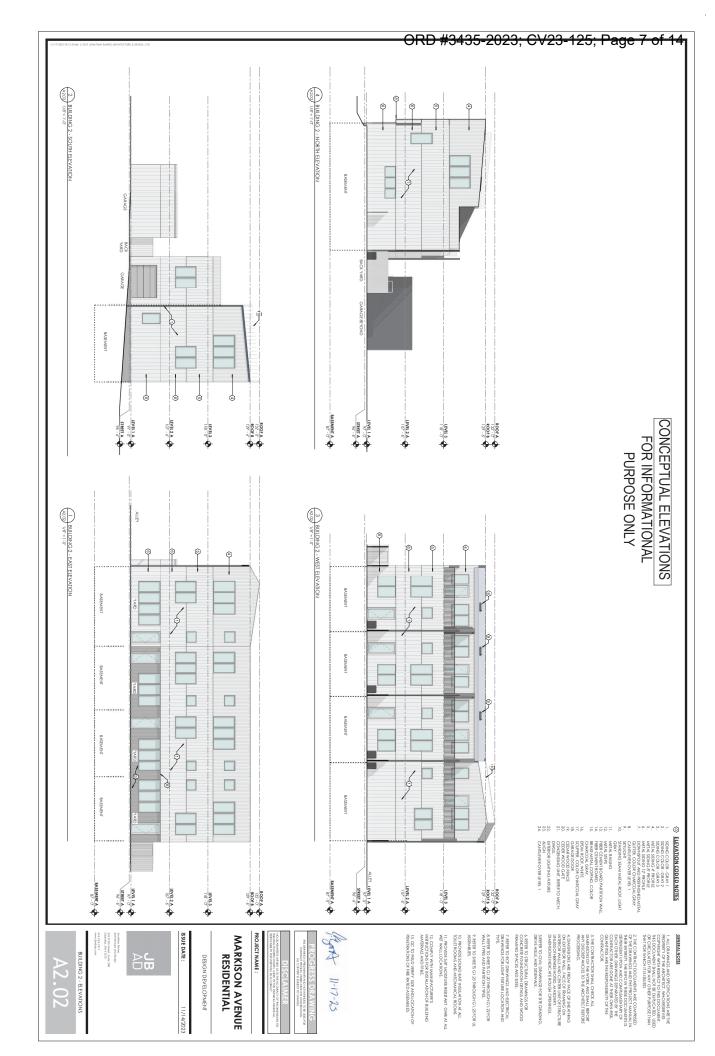
The Applicant respectfully requests the Columbus City Council weigh these factors in its consideration and find that this Applicant suffers from a practical difficulty. The variances will not seriously affect any adjoining property or the general welfare. Further, the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances.

Respectfully submitted,

David Hodge

David Hodge



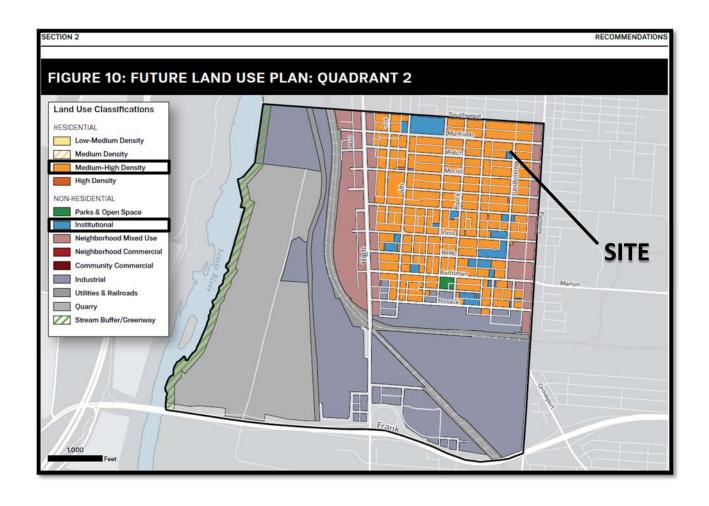








CV23-125 359 E. Markison Ave. Approximately 0.61 acres



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### Standardized Recommendation Form 14

111 N Front Street, Columbus, Ohio 43215 Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

## FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP (PLEASE PRINT)

Case Number	CV23-125	
Address	359 Markison Ave	
Group Name	Columbus South Side Area Commission	
<b>Meeting Date</b>	October 24, 2023	
Specify Case Type	<ul> <li>□ BZA Variance / Special Permit</li> <li>☑ Council Variance</li> <li>□ Rezoning</li> <li>□ Graphics Variance / Plan / Special Permit</li> </ul>	
Recommendation (Check only one)	<ul><li>✓ Approval</li><li>□ Disapproval</li></ul>	

#### LIST BASIS FOR RECOMMENDATION:

Vote	11-0-0		
Signature of Authorized Representative	Kathryn F Green	Digitally signed by Kathryn F Green Date: 2023.10.24 20:44:53 -04'00'	
Recommending Group Title	CSSAC Zoning Co-Chair		
Daytime Phone Number	614-565-1476		

Please **e-mail** this form to **the assigned planner within 48 hours of meeting day**; OR **FAX** to Zoning at (614) 645-2463; OR **MAIL** to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.



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### **Council Variance Application**

DEPARTMENT OF BUILDING AND ZONING SERVICES

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PROJECT DISCLOSURE STATEM	<b>VIENT</b>
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APPLICATION #: CV23-125

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Eric Zartman

of (COMPLETE ADDRESS) 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054

deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application in the following format:

Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1.	2.
Jonathan Barnes, JBAD	VNET LLC
243 N. Fifth St. Suite 200	4039 Laurel Valley Drive
Columbus, OH 43215	Powell, OH 43065
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Sworm to before me and signed in my presence this

day of \_\_\_\_\_\_, in the year\_

**Notary Seal Here** 

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

KIMBERLY R. GRAYSON Notary Public, State of Ohio My Commission Expires 01-11-2026

This Project Disclosure Statement expires six (6) months after date of notarization.

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